

Date: 3/4/99

Inmate: Sherman Carter

SBI#: 102896

Your current short-term release date is: 9/17/99

Your current parole date is: N/A

Records

As indicated in previous memo to you, you have been given credit for time served on your current sentence. We can not give you credit for the other time unless the Judge orders us to do so.

cc: Inmate file

FORM # 114

*R. L. McBride*

Date: 03/09/99

Inmate: Sherman Carter

SBI#: 00102896

*T-2*

Your current short-term release date is: 09/17/99

Your current parole date is: \_\_\_\_\_

The reason that you served jail time on this sentence three times is that you violated your probation twice. Since this is a violation you only get credit time back to when you came back in to Level 5 from Level 4 which is 12/01/97.

Records

*Tom Orr*

Tom Orr  
Corr. Rec. Clk.

PLAINTIFF'S  
EXHIBIT NO. **21**

cc: Inmate file

To: Stanley Taylor  
Commissioner of DOC  
245 McKee Road  
Dover, DE 19901

March 8, 1999

Dear Commissioner

Enclosed is a copy of a Federal Law suit that I felt compelled to file based on all my efforts that have been ignored by the wonderful DOC. Also I have attempted to relay my anger as to the abuse that has befallen me due only to the greed of those that I have named.

Sherman A. Carter#102896

PLAINTIFF'S  
EXHIBIT NO **22**

To: Thomas E. Brown  
Deputy Attorney General  
State of Delaware  
820 N. French Street  
Wilmington, DE 19801

March 8, 1999

Dear Sir,

Enclosed is a copy of a civil action that I was advised to file by a friend in the legal community in PA. He has also provided me with the names of several attorneys that are interested in assisting me. As I said before I am quite well positioned in this legal action. Further I know that my claims are such as your office nor the DOC want made known. I have also undertaken to inform others of the actions on the part of DOC that are violative of our rights. What ever you decide to do, I will not be here much longer.

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Sherman A. Carter

PLAINTIFF'S  
EXHIBIT NO. 23

**DCC –  
Office of Records  
Supervisor**

# Memo

**To:** Claire Robinson, AG's Office  
**From:** Rebecca L. McBride, DCC Records Supervisor  
**CC:** Francene Kobus  
**Date:** 03/15/00  
**Re:** Inmate Sherman Carter

Inmate Carter Violated his Probation on 12/1/97 and was committed to DOC at that time. On 12/16/97 Inmate Carter was sentenced to 2 yrs. Level 5 on his 3<sup>rd</sup> Violation. The institution gave him credit for time served, making his effective date 12/1/97 (date in which he was committed). This is the correct calculation when inmate is committed to institution.

On 8/2/99; Judge Alford sent letter indicating that Inmate Carter should be given credit for time previously served in excess of the 1 yr. Level 5 on the original charge. Inmate Carter served 1 yr., 6 days on the original charge. He was changed over to Level 4, hold at Level 5 on 9/9/94, being held for an additional 82 days at Level 5. The total credit to be applied to Inmate Carter's 12/16/97 sentence was 88 days.

Inmate Carter had a Detainer from the State of Pennsylvania and was changed over to detentioner on 11/18/94 to be held as a Fugitive for that State. The State of PA picked up Inmate Carter on 11/30/94.

When Judge Alford sent the letter to Records on 8/3/99, I immediately investigated his case and corrected the calculation of sentence per the Judge's order. As indicated above, Inmate Carter was to be given credit for time previously served in excess of 1 yr., which was 88 days, giving him a maximum expiration date of 7/5/99. Inmate Carter was released on 8/3/99, the day the letter was received in Records.

Attached are copies of correspondence received from Inmate Carter as well as pertinent information to his case.

If further information is needed, please advise.

attachments

cc: File

PLAINTIFF'S  
EXHIBIT NO. 24

## SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS)

FOR ADMINISTRATIVE PURPOSES ONLY. THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

COUNTY: N K S CIVIL ACTION NUMBER: \_\_\_\_\_FILING FEE AMOUNT: \_\_\_\_\_ FEE ENCLOSED: \_\_\_\_\_ Yes X No

CIVIL CASE TYPE: (SEE INSTRUCTION PAGE FOR APPLICABLE CODE AND CASE TYPE DESIGNATIONS)

CODE: \_\_\_\_\_ TYPE: CMIS

Attorney Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Office Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

## CAPTION

Sherman A. Cartervs.Tom Orr, defendant

NAME AND STATUS OF PARTY: (e.g., John Doe, Plaintiff)

Sherman A. Carter

DOCUMENT TYPE: (e.g., Complaint, Answer with Counterclaim)

Complaint

ARBITRATION \_\_\_\_\_ NON-ARBITRATION \_\_\_\_\_

JURY DEMAND X YES \_\_\_\_\_ NO

ESTIMATED TRIAL LENGTH \_\_\_\_\_ Days

Anticipated Consolidation with Another Action? \_\_\_\_\_ YES \_\_\_\_\_ NO

Civil Action Number: \_\_\_\_\_

## ATTACHMENTS TO THE PLEADINGS:

Affidavit of Demand \_\_\_\_\_  
 Affidavit of Defense \_\_\_\_\_  
 Affidavit of Mailing \_\_\_\_\_  
 Certificate of Value \_\_\_\_\_  
 Form 30 Interrogatories \_\_\_\_\_  
 Rule 3(H) Documents \_\_\_\_\_

TRACK ASSIGNMENT REQUESTED: (Circle One) EXPEDITED X STANDARD COMPLEX

BRIEFLY DESCRIBE WHY CASE IS COMPLEX OR EXPEDITED (Use a Separate Sheet if Additional Space is Required): \_\_\_\_\_

Defendant has refused to calculate plaintiff's jail time in compliance  
with the laws applicable to sentence, causing plaintiff to be detained

IS MEDIATION AN ALTERNATIVE DISPUTE RESOLUTION OPTION IN THIS CASE? X YES \_\_\_\_\_ NO

## RELIEF REQUESTED

Amount of Special Damages Claimed - \$ \$300,000.00

Amount Includes a Claim for:

\_\_\_\_\_ Property Loss \_\_\_\_\_ Medical Expenses \_\_\_\_\_ Loss of Earnings  
 \_\_\_\_\_ Liquidated Damages X Other - Please Specify: Mental Anguish

ADDITIONAL CLAIMS: \_\_\_\_\_ Punitive Damages X Other Non-Liquidated Damages

NON-MONETARY RELIEF REQUESTED: Immediate release  
 (e.g., Declaratory Judgment)

AFFIRMATIVE DEFENSES: 1) \_\_\_\_\_ 2) \_\_\_\_\_

3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

Sherman A. Carter  
Plaintiff,

v.

Civil A. No. \_\_\_\_\_

Tom Orr.                    in his personal  
Records Dept.            capacity.  
                             **Defendants.**

## PRAECIPUE

To: Prothonotary Office  
Superior Court, Public Building  
1100 King Street  
Wilmington, DE 19801

Please docket the attached complaint and cause service of process upon the above defendants:

Tom Orr  
Delaware Correctional Center  
Smyrna, DE 19977

Sherman A. Cato

Delaware Correctional Center  
Smyrna, DE 19977

Dated: 3/16/99

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

SHERMAN A. CARTER,  
Plaintiff,

vs.

TOM ORR,  
Defendant in his  
personal capacity.

Civil Action No.  
\_\_\_\_\_

COMPLAINT

FIRST CAUSE OF ACTION

1. Plaintiff, Sherman A. Carter was sentenced for the original offense of PDWBPP, which carries a maximum term of 3 years incarceration pursuant to Delaware Code Title 11. The original sentence was imposed on August 4, 1994, giving credit from September 4, 1993.

2. Plaintiff served up to November 30, 1994 on the original incarceration.

3. On June 27, 1997 and remained until he was judged guilty of a technicle violation with no new charge. On September 16th court reimposed his sentence giving credit for time previously served.

4. On December 1, 1997 plaintiff was again returned to prison

for another technicle violation., and on December 16th court re-imposed a 2 year sentence suspended after completion of a program.

5. Title 11 Del.Code §3901 dictates that any prison time ~~is~~ to be calculated against sentence if no other sentence has been imposed.

6. The Courts properly reimpose sentences with the understanding that the Department of Corrections adequately calculate sentences pursuant to the laws of this state.

7. Defendant Tom Orr has refused to properly calculate plaintiff's time previously served, and in doing so has caused plaintiff to serve an amount of prison time that exceeds the statutory maximum established by law.

8. Plaintiff has taken numerous steps to gain his release from the illegal custody. Due process entitles inmate to an opportunity to have his claim to a particular release date meaningfully and expeditiously considered. Sample v. Diecks, 885 F.2d 1099 (1989).

9. Due process requires that a challenge to the calculation of release date promptly listened to. 14th Amendment U.S.C.A.

#### SECOND CAUSE OF ACTION

Plaintiff reallege each and every averment of paragraph 1, through 9 and hereby adds the following:



10. Plaintiff allege that the Defendant, Tom Orr, had an obligation to inquire as to the proper method of calculating plaintiff's sentence when, Defendant was provided the statute and crucial wording in place in all sentences, which was REIMPOSE and credit for time previously served.

11. Plaintiff contends that the actions of Defendant Orr were without due regard for plaintiff's right not to be held in violation of his rights.

12. Plaintiff contends that where information was provided to the Defendant Orr, he had a legal obligation to use due care in obtaining controlling guidelines for calculating sentences.

RELIEF SOUGHT

13. WHEREFORE the Plaintiff seeks damages in the amount of \$300,000.00 for Defendants' gross negligence and deliberate indifference.

dated:

signed: \_\_\_\_\_

Sherman A. Carter  
DCC  
Smyrna, DE 19977

Date: 3/17/99

Inmate: Sherman Carter

SBI#: 102896

Your current short-term release date is: 9/17/99

Your current parole date is: N/A

You had violated your probation twice. You would only receive credit for when you violated and came back to the Institution on Level 5 which was 12/1/97. If you wish to request credit for time served while on Probation, you would need to go back to the Judge explaining such. Records

We would not have the exact days to give you credit while on Probation, that would need to come from the probation officer and the Judge would have to send order with those specific days to be granted to you.

Thank you,

Rebecca L. McBride  
Records Supervisor

cc: Inmate file

FORM # 114

PLAINTIFF'S  
EXHIBIT NO. 26

RECEIVED

MAR 19 1999

D.C.C.  
ADMINISTRATIVE SERVICE

To: Deputy Warden Burris  
Del. Cor. Cent.  
Smyrna, DE 19977

Dear Deputy Warden:

As I am sure you are aware, that it is my position that I am being held illegally. I am also sure that you are aware that I have taken steps to correct that problem. There is now presently before the District Court a civil action which was filed after no one here would take the time to inquire into my claim. Since that time I've also filed a separate action in Superior Court against Tom Orr of your Records Department, due to his refusal to do his job in this matter.

I am well famillure with civil law and also know that my cause is better served if I take every opportunity to resolve this matter before it gets to court. Based on this l golly sound premis, I am informing you of the following. My complaint is that I can not be caused to serve more than the statutory maximum provided by law, and here that maximum has been served. Your Records Department has refused to accept that fact. I am enclosing a copy of not one but two orders releasing persons based on this fact. I would advise you to present these to Mr. Orr, because I will inform the courts that the information was made available. It would serve both sides well

PLAINTIFF'S  
EXHIBIT NO 27

for my release to come about through the realization that a mistake was made and corrected by the DOC, without court intervention I would think. I leave this in your capable hands.

Thank You in Advance

*Sherman A. Carter*  
Sherman A. Carter #102895  
DOC  
Sayrna, DE 19977

3/18/99

pc: District Court  
Judge Alford  
file



PUBLIC DEFENDER OF THE STATE OF DELAWARE  
ELBERT N. CARVEL STATE OFFICE BUILDING  
820 NORTH FRENCH STREET, THIRD FLOOR  
P.O. BOX 8911  
WILMINGTON, DELAWARE 19801

LAWRENCE M. SULLIVAN  
PUBLIC DEFENDER

ANGELO FALASCA  
CHIEF DEPUTY

EDWARD C. PANKOWSKI, III  
ASSISTANT PUBLIC DEFENDER

TELEPHONE  
(302) 577-5130

March 19, 1999

Sherman Carter  
D.C.C.  
Rt.#1, Box 500  
Smyrna, DE 19977

RE: State of Delaware v. Sherman Carter

Dear Mr. Carter:

I enclose a copy of a letter dated March 4, 1999 from Rebecca L. McBride, Records Supervisor at the Delaware Correctional Center. As you can see from the review of the letter you were given credit for time previously served under Cr. A. No. VN93-09-085103. As you can also see, your short term release date is September 17, 1999. If you have any questions, please contact Rebecca L. McBride at 653-9261 Ext.169.

Very truly yours,

A handwritten signature in cursive script, appearing to read "E C Pankowski".

Edward C. Pankowski, Jr.  
Assistant Public Defender

ECP/dd  
Enclosure

PLAINTIFF'S  
EXHIBIT NO. 28

To; Angelo Falasca  
Chief Deputy Public Defender  
State Office Building  
820 North French Street  
Wilmington, DE 19977

March 26, 1999

Dear Chief Deputy:

As you can see I have been contacted by one of your staff, Mr. Pankowski who you assigned to look into my case. Also I am providing a copy of a letter sent by him on March 19th that indicates that he checked my record and was in agreement that all time served must go towards the maximum sentence. For this learned member of the Bar to accept the ravings of a numbers cruncher, I feel his actions are either Malpractice or deliberate and in either case I, want something done to correct his misrepresentation of the law.

Public Defender Pankowski has a legal duty not to harm me. The agreement with Ms. McBride has clearly given her more confidence in her misinformed position and thereby it is a direct cause of my further illegal incarceration. It would be in the best interest of all concerned that you undertake resolution of this immediately. If some favorable action is not undertaken I will file civil proceedings naming Pankowski's malpractice or his collusion with DOC. I trust that my position is clear.



pc: Edward Pankowski  
Disciplinary Counsel  
District Court JJF  
file

PLAINTIFF'S  
EXHIBIT NO. 29

To: Warden Robert Snyder  
Deputy Warden Betty Burris  
Rebecca L. McBride  
Tom Orr

April 1, 1999

To All that have refused to address the fact that the Supervisor and staff of the Record's Department are causing me to be held illegally due to their inability to research the legal premis on which my claim is founded. Those involved need to ask some very basic questions after reading the legal information that has now been provided.

(a) Tom Orr has stated that I have a new two year sentence, when infact my sentence states clearly that the sentence is REIMPOSED.

(b) If the contention of the Record's Department is true, I should now have not one but two sentences, 1) for the violation and 2) the original sentence for the PDWBPP offense.

(c) By what authority can anyone in the Department of Corrections cause anyone to serve more than the statutory maximum prescribed by law

I have taken great pains to make those named above aware of the error as to my present situation. Had anyone not just discounted my information due to my being an inmate this situation would not have been possible. There are numerous civil actions at numerous levels of review now pending. Based on the undeniable success that will be reaized no matter what now takes place, I am requesting that SOMEONE, wisely set down with me to discuss resolution before I am joined by an attorney.



Sherman A. Carter #102896

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PLAINTIFF'S  
EXHIBIT NO. **30**